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INTELLIGENCE AND LAW ENFORCEMENT:

BRIDGING THE CULTURAL DIVIDE

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INTELLIGENCE AND LAW ENFORCEMENT:

BRIDGING THE CULTURAL DIVIDE

> "The longer I have watched events, from a close-up view, the more I have come to the conclusion that most of our mistakes, and troubles, are not due to natural faults of judgement. But that the real cause lies in the habit—on all sides—of saying something less, or something more, than we know to be true. This almost universal practice of distorting simple matters of fact, whether by suppression or exaggeration, is inspired by concern for the interests of party, class, or profession—at bottom this so-called loyalty being too often self-interest."[1]
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> -- B. H. Liddell Hart

On November 19, 2002, the United States Congress passed the Homeland Security Bill launching the largest government reorganization since the creation of the Defense Department in 1947. The Department of Homeland Security (DHS) will fold 170,000 employees from 22 agencies into a new organization charged with the responsibility of shoring up the nation's defenses against terrorism.[2] A critical mission of this new organization will be analyzing and promulgating information on terrorist threats to the government and people of the United States.

To be successful, the DHS must fuse information provided by national-level intelligence organizations with that from federal, state, and local law enforcement agencies (LEAs). Given the importance of this new mission, what insights can we glean from previous intelligence-law enforcement cooperation efforts? A good example would be the military's entrance into the war on drugs during the late 1980s. Experience gained from this campaign indicates that the DHS will have to overcome significant cultural and organizational hurdles in managing information on

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[1] B. H. Liddell Hart, <u>The Defence of Britain</u> (New York: Random House, 1939), 11.

[2] Helen Dewar, "Senate Passes Homeland Security Bill," <u>Washington Post</u>, 20 November 2002, page A01. <http://www.washingtonpost.com/ac2/wp-dyn/A1193-2002Nov20.html> (3 January 2003).

terrorist threats. Despite numerous setbacks, the war on drugs did produce cases where

cooperation between national-level intelligence and law enforcement organizations led to

success. Will the Department of Homeland Security learn the right lessons from the war on

drugs or is it destined to make the same mistakes?

Same Team, Different Playbooks

During the late 1980s, national drug czar, William Bennett, was eager to apply the vast

intelligence and monitoring capabilities of the military against the problem once called the

"President's crusade."[3] Bennett was quick to demand more from "this enormous resource, this

thing we spend $300 billion on [the Pentagon]."[4] The military, originally reluctant to take on a

mission it believed was best suited for law enforcement, soon realized that counterdrug

operations would help justify budgets under fire from a Congress looking for ways to realize the

"peace dividend" acquired with the fall of the Soviet Union.

In 1990, the military established three Joint Task Forces (JTFs) to provide LEAs with

national-level intelligence, detection, and monitoring support. JTF-4 (Key West, Florida)

covered South America and the Caribbean, JTF-5 (Alameda, California) focused on the Pacific,

and JTF-6 (El Paso, Texas) monitored the 1,500-mile U.S.-Mexico border. The Defense

Intelligence Agency (DIA), the National Security Agency (NSA), The Drug Enforcement

Administration (DEA), and the United States Customs Service assigned representatives to the

JTFs to help foster cooperation with their respective organizations.

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[3] Melissa Healy, "Pentagon Plans $877-Million Anti-Drug Effort," <u>Los Angeles Times</u>, 10 March 1990, 2. ProQuest (19 December 2002).

[4] John J. Fialka, "Attacking America's Drug Menace: The Bush Plan," <u>Wall Street Journal</u>, 6 September 1989, 1. ProQuest (19 December 2002).

It soon became evident that the military and law enforcement organizations were not approaching the drug problem from the same perspective. The military was primarily interested in disrupting drug shipments worldwide while the various LEAs were interested in making arrests in their particular jurisdictions. For instance, the DEA wanted to make arrests overseas in such source countries as Colombia and Burma. The United States Coast Guard wanted to interdict drug trafficking vessels inside U.S. territorial waters, while U.S. Custom Service agents wanted to seize these shipments at U.S. ports of entry. Going one step further, the Federal Bureau of Investigation (FBI) preferred to allow the drugs to pass through customs so they could track the shipment and ultimately identify, disrupt, and arrest the domestic distributors.

This difference in perspective can be traced to the law enforcement culture of prosecuting criminals. The JTFs, steeped in the military approach to attacking an enemy, believed the law enforcement focus on arrests was shortsighted. The military preferred to use intelligence to gain an understanding of the various drug organizations and their critical relationships and vulnerabilities. Only then could the law enforcement agencies, working in concert, strike the drug organizations at critical points and permanently disrupt and dismantle them.

The reason for this cultural difference is essentially two-fold. According to Russ Holland, Director of Plans, Policy, and Operations at Joint Interagency Task Force West, "law enforcement agencies reward individuals while the military rewards teams."[5] Recognition and status in the law enforcement world is predicated on the amount of arrests you make. Busts indicate that you are doing your job and doing it well. Since individual agents can make arrests, they don't have to share the glory and recognition with others. Holland says that "within the

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[5] Russ Holland, interview by Eric Dahlstrom, National War College, 23 December 2002. JTF-5 changed its name to Joint Interagency Task Force West in the mid-1990s.

Department of Defense, the complexity of military operations means you have to work as a team in order to succeed."[6] The size and scope of military operations places the unit, or team, above the individual.

Tony Myers, Special Assistant to the Director of the Defense Intelligence Agency, offers another perspective. "It all comes down to money. Law enforcement agencies (other than the FBI) need busts to secure funding."[7] There is only so much money to go around and the administration will funnel it toward the organizations that appear to be getting the most "bang for the buck." In this regard, law enforcement would push for quick arrests instead of waiting for a larger, more significant bust sometime in the future. The military doesn't face the dilemma of having to demonstrate its value on a yearly basis. The military budget is almost always robust and competition is usually limited to interservice rivalries over key projects and weapon systems.

An Emerald in the Rough

Attacking the drug problem has often been compared to the story of the two blind men and the elephant. If your information is limited, you will not be able to identify or understand the entire problem. Sharing information is a necessity in the military. Data is collected worldwide from multiple sources and funneled to analysts tasked with evaluating the information and producing actionable intelligence for operating forces. This intelligence process is well established and networked throughout the Department of Defense. Strategic intelligence is generated at the national level while operational and tactical intelligence is produced at lower

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[6] Holland, interview.

[7] Tony Myers, interview by Eric Dahlstrom, National War College, 23 December 2002.

echelons. Depending on classification, the vast majority of this intelligence is available to all decisionmakers within the military.

Law enforcement does not recognize this approach to information sharing. For the most part, the case agent is his own intelligence collector. Information is gained from confidential sources and is usually focused on specific arrest opportunities. Because this information is critical to the agent's ability to make arrests, it is seldom shared with others who could use it to disrupt, or possibly encroach upon, the agent's investigation. Moreover, the law enforcement establishment doesn't have an intelligence processing capability like the military. Within law enforcement, intelligence analysts are generally low-grade assistants who work for agents in the field. Because of this, intelligence is almost always geared to specific cases. Russ Holland attributes this cultural difference to a matter of scope. "Law enforcement deals in small problems, while the military, by its very nature, deals in bigger problems. Law enforcement always operates at the tactical level, while the military operates at the tactical and strategic levels."[8]

The military realized that while it could collect strategic and some tactical information on various drug organizations, it lacked the type of information normally obtained by law enforcement agents in the field. The DIA, using intelligence techniques derived from studying insurgent groups in Latin America, developed a computer database that would allow the military to enter strategic data on drug organizations and the law enforcement community to enter tactical data from their case agents.[9] Codenamed EMERALD, this database would ultimately allow intelligence analysts to see the full range of information on the drug problem and piece together

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[8] Holland, interview.

[9] Jim Westbrook, interview by Eric Dahlstrom, National War College, 23 December 2002.

an "intelligence map" of the various drug cartels. Once achieved, this map would allow law enforcement to take down the key players in a manner similar to the FBI's campaign against organized crime in the 1970s and 80s.

An early version of EMERALD was distributed to the JTFs and some law enforcement offices in 1991. From the start it was clear that the fusion of strategic and tactical information would be an enormous challenge. The problem centered around two distinct areas: evidentiary concerns and information classification. Case agents refused to enter data pertaining to ongoing cases for fear that this information could end up as evidence in other trials.[10] If this type of data were entered into EMERALD, it would become available to defense attorneys through the discovery process and could conceivably jeopardize additional prosecutions. As such, law enforcement would only offer data from completed cases. This information was usually dated and pertained to organizations that were already successfully disrupted.

The law enforcement community's lack of an established intelligence apparatus compounded this problem. Agents were too busy to enter old data when their current caseload was full. Intelligence assistants were teamed with agents, so they too focused on current operations. Military intelligence analysts were offered access to old law enforcement case files, but this load of information proved difficult to exploit since they were not familiar with the sources or information. Uncovering the sheet of critical information from the reams of administrative data proved to be a very labor-intensive job—something the military was not willing to do.

The problem of information classification affected both the military and the various law enforcement organizations. Much of the information collected by the military via technical

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[10] Westbrook, interview.

means was highly classified. Most field agents do not have the necessary clearances to view this material. If it were entered into EMERALD it would place the entire database off limits to law enforcement. Moreover, much of the sensitive national-level human intelligence (HUMINT) and signals intelligence (SIGINT) was controlled by the originating organization and could not be entered into a database used by thousands of field agents. DIA's Tony Myers stated emphatically that this material "broke our backs with law enforcement, particularly the DEA."[11]

It soon became clear that the law enforcement community was more willing to share information with the military than with each other. Military intelligence was used to handling sensitive information and did not pose a threat to particular cases. What developed was a series of bilateral relationships between the military (JTFs) and various law enforcement organizations. Jim Westbrook, Staff Director for DIA's Office for Latin America and Narcotics Analysis, explained the result. "We had good ties with the FBI and DEA along the southwest border, but what we learned from the FBI we couldn't share with the DEA and vice versa."[12]

This inability to populate the database with highly classified or case sensitive information doomed EMERALD from the start. Moreover, each law enforcement organization wanted the EMERALD database to focus on their particular issues or jurisdictions. In the end, so many distinct and divisive information technology (IT) requirements were levied upon DIA that the EMERALD project was given to the Defense Information Systems Agency (DISA) for management.[13] There it died a quiet death in a budget cutback during the mid-1990s. Neither the military nor the law enforcement community mourned its passing.

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[11] Myers, interview.

[12] Westbrook, interview.

[13] Tom McCandless, interview by Eric Dahlstrom, National War College, 23 December 2002.

"Aye, on the Shores of Darkness There is Light"[14]

The failure of EMERALD did not stop the military from cooperating with law enforcement in the war on drugs. Instead of pooling information, the military used its intelligence, detection, and monitoring capability to assist individual law enforcement organizations on a case-by-case basis. Joint Task Force Five worked closely with the U.S. Customs Service to interdict several boatloads of marijuana off the west coast of California and Mexico, Joint Task Force Six assisted the FBI in uncovering tunnels used to move drugs across the U.S.-Mexico border, and Joint Task Force Four played a key role with the DEA and the Government of Colombia in arresting kingpins within the Medellin and Cali Drug Cartels.

Each of these success stories shared three common denominators that facilitated cooperation between military intelligence and law enforcement. First, each example represented a specific, short-term case with a clearly defined mission. There was a definite "endgame" or goal whereby success could be measured by a specific seizure or arrest. Second, there were clear lines of authority. The law enforcement organization took the lead with the military playing a supporting role. There was no ambiguity regarding how the operation was to unfold and no concern of one law enforcement organization encroaching upon another. Third, these operations worked well because the military and law enforcement were willing to share the credit for success. The military was eager to show it was contributing to the new war on drugs while the law enforcement agency was able to claim another successful arrest—a claim it would not have to share with another law enforcement "budget competitor."

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[14] John Keats, From To Homer, in The Complete Poems [John Keats], ed. John Barnard (New York: Penguin, 1988). <http://www.bartleby.com/66/56/32256.html> (31 December 2002).

These examples were successful, in large part, because the military effort did not disrupt the law enforcement status quo. While this bilateral system worked in select cases, it did not leverage the full counterdrug capability of the United States. Imagine how effective the United States would be if it took the unique capability of each law enforcement agency and combined it with the intelligence power of the military. The EMERALD database tried to do just that on a very modest level, yet it failed miserably. What must the new Department of Homeland Security do to leverage the capabilities of its own agencies as well as those of organizations outside its control?

They Can Be Molded

The bilateral approach worked because it was based on trust. The various law enforcement agencies learned to trust the military—but not each other. Myers believes the Department of Homeland Security will succeed if it follows two simple guidelines: centralization at the top and diversity at the bottom. By combining the 22 various agencies under one organization, DHS has removed many of the dynamics that fostered distrust between jealous law enforcement agencies. "If they all belong to the same group, it will work."[15] Moreover, Myers believes the new organization has the right components. "Organizations such as FAA and Energy will be easier to work with because they have no law enforcement or intelligence background. They are fresh, so they can be molded."[16] More importantly, Myers claims, "all the agencies [in DHS] are the players…they left the assholes (CIA and DEA) out."[17]

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[15] Myers, interview.

[16] Myers, interview.

[17] Myers, interview.

Centralization in Washington will help foster trust among the national components, but the Department for Homeland Defense will still need to interact with state and local law enforcement agencies. Myers is adamant that the new department must establish the kind of trust that the military did with the war on drugs. "D.C. must cultivate the field…only the local law enforcement agencies know what is new in their neighborhoods."[18] In order to foster this type of cooperation, the DHS must provide the local agencies a unique product (national-level support) without interfering in, or compromising, local cases.

In order to provide national-level intelligence, the new department is going to have to work closely with the counterterrorist elements of the military, CIA, and FBI. As such, the department will have to confront the information sharing issues that plagued the EMERALD program 15 years earlier. For those organizations familiar with the intelligence process (military, CIA, FBI), Russ Holland offers an information sharing system based on the joint intelligence center example. "Take the major players—all with full access to their headquarters' data—and apply it to a centralized database. Then offer this database to all players and sanitize [so everyone can view] the information when necessary."[19]

Holland stresses that in regard to intelligence sharing, "you must force the system so all the key players participate…it must be the real deal."[20] This approach should overcome the information sharing hurdles faced by EMERALD, particularly since the Patriot Act has reduced concerns about maintaining and sharing information on American citizens.[21] If the Department

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[18] Myers, interview.

[19] Holland, interview.

[20] Holland, interview.

[21] Charles Doyle, "The USA PATRIOT Act: A Sketch," CRS Report for Congress, Federation of American Scientists, November 2001. <http://www.fas.org/irp/crs/RS21203.pdf> (10 January 2003).

of Homeland Security can establish itself as a trusted partner with various state and local law enforcement agencies, it can acquire the type of tactical information that EMERALD needed, but never obtained.

"Law Enforcement and Intelligence are Worlds Apart"[22]

Gregory Treverton, Vice Chairman of the National Intelligence Council early in the Clinton Administration, discovered that cooperation between intelligence and law enforcement was ragged at best. "Out of concern for our civil liberties, we prevented them from becoming too close."[23] The 11 September terror attacks, however, have changed how we as Americans view this relationship. The clarion call for greater cooperation will now require both sides to take a critical look at the cultural barriers that have divided them for years.

The Department of Homeland Security will look to replace the old mantra of prosecution with one of prevention. The new emphasis will not be on building cases, but shift toward the military emphasis on disrupting terrorist operations. National-level intelligence organizations, on the other hand, must also adjust their perceived role and mission. Military intelligence, designed to monitor and assess enemy military capabilities, must now learn from their law enforcement brethren. The military's inability to track and capture Mohammed Farah Aideed in Somalia and Osama bin Laden in Afghanistan proves they must move from an emphasis on reconnaissance and strategic warning to one of surveillance and tactical warning, where constant contact is maintained on terrorist suspects.

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[22] Gregory F. Treverton, "Set Up to Fail," Government Executive, September 2002, 64. ProQuest (28 December 2002).

[23] Treverton, 64.

The military must still prepare for conventional threats like Iraq and North Korea and our law enforcement agencies will still prosecute traditional criminals. What the DHS must do is articulate the middle ground where international terrorists operate and establish itself as an honest broker for intelligence and law enforcement to trust one another. The Department of Homeland Security was established to counter the terrorist threat, but perhaps its most daunting task is to bring together two communities whose organizational cultures have been moving in different directions.

BIBLIOGRAPHY

Buntin, John. "Cops and Spies." <u>Government Executive</u>, April 1996, 40-48. ProQuest (19 December 2002).

Dewar, Helen. "Senate Passes Homeland Security Bill." <u>Washington Post</u>, 20 November 2002, A01. <http://www.washingtonpost.com/ac2/wp-dyn/A1193-2002Nov20.html> (3 January 2003).

Doyle, Charles. "The USA PATRIOT Act: A Sketch." CRS Report for Congress, <u>Federation of American Scientists</u>, November 2001, <http://www.fas.org/irp/crs/RS21203.pdf> (10 January 2003).

Fialka, John J. "Attacking America's Drug Menace: The Bush Plan." <u>Wall Street Journal</u>, 6 September 1989, 1. ProQuest (19 December 2002).

Healy, Melissa. "Pentagon Plans $877-Million Anti-Drug Effort." <u>Los Angeles Times</u>, 10 March 1990, 2. ProQuest (19 December 2002).

Holland, Russ. Interview by Eric Dahlstrom, National War College, 23 December 2002.

Horwitz, Sari and Dan Eggen. "Task Force Unity Faltering in Probe's New Phase." <u>Washington Post</u>, 29 October 2002, A07. <http://www.washingtonpost.com/ac2/wp-dyn/A32707-2002Oct28.html> (28 December 2002).

Jehl, Douglas. "U.S. May Throw One More Set of Initials Into Narcotics War." <u>Los Angeles Times</u>, 21 June 1990, 5. ProQuest (19 December 2002).

Keats, John. "From <u>To Homer</u>." In <u>The Complete Poems [John Keats]</u>, edited by John Barnard, New York: Penguin, 1988. <http://www.bartleby.com/66/56/32256.html> (31 December 2002).

Liddell Hart, B. H. <u>The Defence of Britain</u>. New York: Random House, 1939.

Lowenthal, Mark M. <u>Intelligence: From Secrets to Policy</u>. Washington D.C., CQ Press, 2000.

McCandless, Tom. Interview by Eric Dahlstrom, National War College, 23 December 2002.

Melloan, George. "Global View: What Are Spies For, and Not For." <u>Wall Street Journal</u>, 8 April 1996, A19. ProQuest (19 December 2002).

Mills, Rix. Interview by Eric Dahlstrom, National War College, 23 December 2002.

Myers, Tony. Interview by Eric Dahlstrom, National War College, 23 December 2002.

Pincus, Walter. "Homeland Security Issues Abound: White House, Senate Seek Compromise on Intelligence Plans." <u>Washington Post</u>, 7 August 2002. <http://www.washingtonpost.com/ac2/wp-dyn/A5230-2002Aug6.html> (23 December 2002).

Schmidt, Susan and Patricia Davis. "Investigators Not All in Loop, Some Complain." <u>Washington Post</u>, 23 October 2002, A01. <http://www.washingtonpost.com/ac2/wp-dyn/A2292-2002Oct22.html> (28 December 2002).

Stubbing, Richard A. and Melvin A. Goodman. "How to Fix US Intelligence." <u>Christian Science Monitor</u>, 26 June 2002, 11-13. ProQuest (28 December 2002).

Treverton, Gregory F. "Set Up to Fail." <u>Government Executive</u>, September 2002, 64-70. ProQuest (28 December 2002).

Westbrook, Jim. Interview by Eric Dahlstrom, National War College, 23 December 2002.